

have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lakes States and Canadian provinces; and

(4) four of the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada.

**(b) Congressional declaration of purpose and policy**

It is therefore declared to be the purpose and policy of the Congress in this section—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lakes States; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside the Great Lakes basin.

**(c) “Great Lakes State” defined**

As used in this section, the term “Great Lakes State” means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

**(d) Approval by Governors for diversion of water**

No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lake<sup>1</sup> States.

**(e) Approval of Governors for diversion studies**

No Federal agency may undertake any study, or expend any Federal funds to contract for any study, of the feasibility of diverting water from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin, unless such study or expenditure is approved by the Governor of each of the Great Lakes States. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.

**(f) Previously authorized diversions**

This section shall not apply to any diversion of water from any of the Great Lakes which is authorized on November 17, 1986.

(Pub. L. 99-662, title XI, §1109, Nov. 17, 1986, 100 Stat. 4230.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1986, and not as part of the Water Resources Planning Act which comprises this chapter.

GREAT LAKES CONSUMPTIVE USE STUDY

Pub. L. 100-4, title V, §521, Feb. 4, 1987, 101 Stat. 88, provided that in recognition of the serious impacts on the Great Lakes environment that could occur as a result of increased consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, the Secretary of the Army in cooperation with the Administrator, other interested departments, agencies, and instrumentalities of the United States, and the eight Great Lakes States, was authorized to conduct a study of the effects of Great Lakes water consumption on economic growth and environmental quality in the Great Lakes region and of control measures that could be implemented to reduce the quantity of water consumed, and further provided an appropriation of \$750,000 for fiscal years beginning after Sept. 30, 1986, to carry out such study.

Similar provisions were contained in Pub. L. 99-662, title XI, §1147, Nov. 17, 1986, 100 Stat. 4253.

MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS

Section 1142 of Pub. L. 99-662 provided that:

“(a) Beginning October 1, 1987, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

“(b) There are authorized to be appropriated \$250,000 per fiscal year for each fiscal year beginning after September 30, 1986, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.”

CHAPTER 20—ELECTIVE FRANCHISE

SUBCHAPTER I—GENERALLY

Sec.  
1971.

Voting rights.

- (a) Race, color, or previous condition not to affect right to vote; uniform standards for voting qualifications; errors or omissions from papers; literacy tests; agreements between Attorney General and State or local authorities; definitions.
- (b) Intimidation, threats, or coercion.
- (c) Preventive relief; injunction; rebuttable literacy presumption; liability of United States for costs; State as party defendant.
- (d) Jurisdiction; exhaustion of other remedies.
- (e) Order qualifying person to vote; application; hearing; voting referees; transmittal of report and order; certificate of qualification; definitions.

<sup>1</sup> So in original. Probably should be “Lakes”.

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	(f) Contempt; assignment of counsel; witnesses.	1973g.	Challenges to eligibility listings.
	(g) Three-judge district court: hearing, determination, expedition of action, review by Supreme Court; single-judge district court: hearing, determination, expedition of action.		(a) Filing of challenge; supplementary affidavits; service upon person challenged; hearing; review.
1972.	Interference with freedom of elections.		(b) Rules and regulations by Director of the Office of Personnel Management.
	SUBCHAPTER I-A—ENFORCEMENT OF VOTING RIGHTS		(c) Subpena power of Director of the Office of Personnel Management; contempt.
		1973h.	Poll taxes.
1973.	Denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites; establishment of violation.		(a) Congressional finding and declaration of policy against enforced payment of poll taxes as a device to impair voting rights.
1973a.	Proceeding to enforce the right to vote.		(b) Authority of Attorney General to institute actions for relief against enforcement of poll tax requirement.
	(a) Authorization by court for appointment of Federal examiners.		(c) Jurisdiction of three-judge district courts; appeal to Supreme Court.
	(b) Suspension of use of tests and devices which deny or abridge the right to vote.	1973i.	Prohibited acts.
	(c) Retention of jurisdiction to prevent commencement of new devices to deny or abridge the right to vote.		(a) Failure or refusal to permit casting or tabulation of vote.
1973b.	Suspension of the use of tests or devices in determining eligibility to vote.		(b) Intimidation, threats, or coercion.
	(a) Action by State or political subdivision for declaratory judgment of no denial or abridgement; three-judge district court; appeal to Supreme Court; retention of jurisdiction by three-judge court.		(c) False information in registering or voting; penalties.
	(b) Required factual determinations necessary to allow suspension of compliance with tests and devices; publication in Federal Register.		(d) Falsification or concealment of material facts or giving of false statements in matters within jurisdiction of examiners or hearing officers; penalties.
	(c) "Test or device" defined.	1973j.	(e) Voting more than once.
	(d) Required frequency, continuation and probable recurrence of incidents of denial or abridgement to constitute forbidden use of tests or devices.		Civil and criminal sanctions.
	(e) Completion of requisite grade level of education in American-flag schools in which the predominant classroom language was other than English.		(a) Depriving or attempting to deprive persons of secured rights.
	(f) Congressional findings of voting discrimination against language minorities; prohibition of English-only elections; other remedial measures.		(b) Destroying, defacing, mutilating, or altering ballots or official voting records.
1973c.	Alteration of voting qualifications and procedures; action by State or political subdivision for declaratory judgment of no denial or abridgement of voting rights; three-judge district court; appeal to Supreme Court.	1973k.	(c) Conspiring to violate or interfere with secured rights.
1973d.	Federal voting examiners; appointment.	1973l.	(d) Civil action by Attorney General for preventive relief; injunctive and other relief.
1973e.	Examination of applicants for registration.		(e) Proceeding by Attorney General to enforce the counting of ballots of registered and eligible persons who are prevented from voting.
	(a) Form of application; requisite allegation of nonregistration.		(f) Jurisdiction of district courts; exhaustion of administrative or other remedies unnecessary.
	(b) Placement of eligible voters on official lists; transmittal of lists.		Termination of listing procedures; basis for termination; survey or census by Director of the Census.
	(c) Certificate of eligibility.		Enforcement proceedings.
	(d) Removal of names from list by examiners.	1973m.	(a) Criminal contempt.
1973f.	Observers at elections; assignment; duties; reports.	1973n.	(b) Jurisdiction of courts for declaratory judgment, restraining orders, or temporary or permanent injunction.
			(c) Definitions.
			(d) Subpenas.
			(e) Attorney's fees.
			Omitted.
			Impairment of voting rights of persons holding current registration.
			Authorization of appropriations.
			Separability.

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## SUBCHAPTER I-B—SUPPLEMENTAL PROVISIONS

- 1973aa. Application of prohibition to other States; “test or device” defined.
- 1973aa-1. Residence requirements for voting.
- (a) Congressional findings.
  - (b) Congressional declaration: durational residency requirement, abolishment; absentee registration and balloting standards, establishment.
  - (c) Prohibition of denial of right to vote because of durational residency requirement or absentee balloting.
  - (d) Registration: time for application; absentee balloting: time of application and return of ballots.
  - (e) Change of residence; voting in person or by absentee ballot in State of prior residence.
  - (f) Absentee registration requirement.
  - (g) State or local adoption of less restrictive voting practices.
  - (h) “State” defined.
  - (i) False registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting.
- 1973aa-1a. Bilingual election requirements.
- (a) Congressional findings and declaration of policy.
  - (b) Bilingual voting materials requirement.
  - (c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language.
  - (d) Action for declaratory judgment permitting English-only materials.
  - (e) Definitions.
- 1973aa-2. Judicial relief; civil actions by the Attorney General; three-judge district court; appeal to Supreme Court.
- 1973aa-3. Penalty.
- 1973aa-4. Separability.
- 1973aa-5. Survey to compile registration and voting statistics.
- (a) Elections to House of Representatives and elections designated by United States Commission on Civil Rights.
  - (b) Prohibition against compulsion to disclose personal data; advice of rights.
  - (c) Report to Congress.
  - (d) Confidentiality of information; penalties.
- 1973aa-6. Voting assistance for blind, disabled or illiterate persons.

## SUBCHAPTER I-C—EIGHTEEN-YEAR-OLD VOTING AGE

- 1973bb. Enforcement of twenty-sixth amendment.
- 1973bb-1. “State” defined.
- 1973bb-2 to 1973bb-4. Repealed.

## SUBCHAPTER I-D—FEDERAL ABSENTEE VOTING ASSISTANCE

## PART I—RECOMMENDATION TO STATES

1973cc to 1973cc-3. Repealed.

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## PART II—RESPONSIBILITIES OF FEDERAL GOVERNMENT

1973cc-11 to 1973cc-15. Repealed.

## PART III—GENERAL PROVISIONS

1973cc-21 to 1973cc-26. Repealed.

## SUBCHAPTER I-E—VOTING RIGHTS OF OVERSEAS CITIZENS

1973dd to 1973dd-6. Repealed.

## SUBCHAPTER I-F—VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED

- 1973ee. Congressional declaration of purpose.
- 1973ee-1. Selection of polling facilities.
- (a) Accessibility to all polling places as responsibility of each political subdivision.
  - (b) Exception.
  - (c) Report to Federal Election Commission.
- 1973ee-2. Selection of registration facilities.
- 1973ee-3. Registration and voting aids.
- (a) Printed instructions; telecommunications devices for the deaf.
  - (b) Medical certification.
  - (c) Notice of availability of aids.
- 1973ee-4. Enforcement.
- (a) Action for declaratory or injunctive relief.
  - (b) Prerequisite notice of non-compliance.
  - (c) Attorney fees.
- 1973ee-5. Relationship to Voting Rights Act of 1965.
- 1973ee-6. Definitions.
- SUBCHAPTER I-G—REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE
- 1973ff. Federal responsibilities.
- (a) Presidential designee.
  - (b) Duties of Presidential designee.
  - (c) Duties of other Federal officials.
- 1973ff-1. State responsibilities.
- 1973ff-2. Federal write-in absentee ballot for overseas voters in general elections for Federal office.
- (a) In general.
  - (b) Submission and processing.
  - (c) Special rules.
  - (d) Second ballot submission; instruction to overseas voter.
  - (e) Use of approved State absentee ballot in place of Federal write-in absentee ballot.
  - (f) Certain States exempted.
- 1973ff-3. Recommendations to States to maximize access to polls by absent uniformed services voters and overseas voters.
- 1973ff-4. Enforcement.
- 1973ff-5. Effect on certain other laws.
- 1973ff-6. Definitions.

## SUBCHAPTER I-H—NATIONAL VOTER REGISTRATION

- 1973gg. Findings and purposes.
- (a) Findings.
  - (b) Purposes.
- 1973gg-1. Definitions.
- 1973gg-2. National procedures for voter registration for elections for Federal office.
- (a) In general.
  - (b) Nonapplicability to certain States.